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09/748,243	12/27/2000	Ichiro Okajima	201216US2	4687

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ALEXANDRIA, VA 22314

EXAMINER

SMITH, SHEILA B

ART UNIT	PAPER NUMBER
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2681

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DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/748,243

Applicant(s)

OKAJIMA ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9 and 13 is/are rejected.
- 7) ☒ Claim(s) 5, 6 and 10-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-9,13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomisato et al. (U.S. Patent Number 5,822,701).

***Regarding claims 1,*** Tomisato et al. discloses essentially all the claimed invention as set forth in the instant application, further Tomisato et al. discloses a high-speed radio communication system. In addition Tomisato et al. discloses a communication method used when a mobile station (105) receives a signal from a base station (103a-c) in a mobile communication system (exhibited in figure 1), comprising the steps of deciding one or a plurality of mobile stations (5), (it is an inherent feature of a mobile communication system to be comprised of a plurality of mobile stations) which can communicate with said mobile station via a predetermined wireless network (9) and which can receive a signal from said base station (11a-c) (which reads on information signal as exhibited in figure 13); said one or a plurality of mobile

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stations sending a signal destined for said mobile station received from said base station to said mobile station via said predetermined wireless network; and said mobile station (5) synthesizing a signal received from, said base station (which reads on column 14 lines 34-40), and said signal destined, for said mobile station received from said one or a plurality of mobile stations (it is an inherent feature of a mobile communication system to be comprised of a plurality of mobile stations).

***Regarding claim 2,*** Tomisato et al. discloses everything claimed as applied above (see claim 1), in addition Tomisato et al. discloses forming said predetermined wireless network by said mobile station and other mobile stations in said mobile communication system (which reads on information signal as exhibited in figure 13); selecting said one or a plurality of mobile stations among said other mobile stations as mobile stations for diversity reception; and said one or a plurality of mobile stations selected as used for diversity reception of said mobile station sending said signal destined for said mobile station received from said base station to said mobile station via said predetermined wireless network (which reads on column 14 lines 24-26).

***Regarding claim 3,*** Tomisato et al. discloses everything claimed as applied above (see claim 1), in addition Tomisato et al. discloses selecting said one or a plurality of mobile stations among said other mobile stations such that communication condition between said one or a plurality of mobile stations and said base station is better than predetermined condition (which reads on information signal as exhibited in figure 13).

***Regarding claim 4,*** Tomisato et al. discloses everything claimed as applied above (see claim 1), in addition Tomisato et al. discloses selecting said one or a plurality of mobile stations among said other mobile stations such that each level of signals received from said base station by said one or a plurality of mobile stations is higher than a predetermined level (which reads on information signal as exhibited in figure 13).

***Regarding claims 7,13,*** Tomisato et al. discloses everything claimed as applied above (see claim 1), in addition Tomisato et al. discloses predetermined wireless network is a mobile ad-hoc network (which reads on 9 as exhibited in figure 13).

***Regarding claim 8,*** Tomisato et al. discloses everything claimed as applied above (see claim 8), in addition Tomisato et al. a first transceiver unit (11a-c) which transmits and receives a signal between said mobile station (5a) and said base station (3); a second transceiver unit (11a-c) which transmits and receives a signal between said mobile station (5) and a first mobile station network (9) forming control means which forms a predetermined wireless network (which reads on information signal as exhibited in figure 13) including said mobile station and said first mobile station by communicating with said first mobile (5) station by using said second transceiver unit (11a-c); and signal synthesizing means which synthesizes a signal received from said base station by said first transceiver unit and a signal destined for said mobile station (which reads on column 14 lines 34-40) received from said first mobile station (5a) by said second transceiver unit (11a-c) via said predetermined wireless network (9).

**Regarding claim 9**, Tomisato et al. discloses everything claimed as applied above (see claim 8), in addition Tomisato et al. discloses transfer control means which sends a signal destined for a second mobile station received by said first transceiver unit to said second mobile station via said predetermined wireless network by said second transceiver unit (which reads on information signal as exhibited in figure 13).

***Allowable Subject Matter***

3. **Claims 5,6,10-12** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
October 1, 2003

  
**SINH TRAN**  
**PRIMARY EXAMINER**